

FORM PTO-1390
(REV. 5-93)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

KAS-240

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/527418

International Application No.

PCT/JP2004/009279

International Filing Date

June 24, 2004

Priority Date Claimed

June 25, 2003

Title of Invention ENGINE CONTROL SYSTEM FOR CONSTRUCTION MACHINE

Applicant(s) for DO/EO/US KAZUNORI NAKAMURA et al

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:

[X] PROPOSED AMENDMENT TO THE DRAWINGS, 1 sheet red-ink
changes to Fig. 3;[X] TRANSMITTAL OF CORRECTED FORMAL DRAWING, 1 sheet
corrected formal Fig. 3.

| | | | | | |
|---|--|-------------------------------|--|--------------------------|--|
| U.S. Application No. (if known, see 37 CFR 1.5) | | International Application No. | | Attorney's Docket Number | |
| 10/527418 | | PCT/AP 004/009279 | | KAS-240 | |

| | | | | | |
|--|--------------|--------------|-----------|---------------|--------------|
| 17. <input checked="" type="checkbox"/> The following fees are submitted: | | | | CALCULATIONS | PTO USE ONLY |
| <p><u>Basic National Fee (37 CFR 1.492 (a)(1)-(5)):</u></p> <p>Search Report has been prepared by the EPO or JPO \$890.00</p> <p>International preliminary examination fee paid to USPTO (37 CFR 1.482) \$710.00</p> <p>No international preliminary examination fee (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445 (A)(2)) \$740.00</p> <p>Neither international examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(A)(2)) paid to USPTO \$1040.00</p> <p>International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2) to (4) \$100.00</p> | | | | | |
| ENTER APPROPRIATE BASIC FEE AMOUNT | | | | = \$ | 1,000.00 |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | + \$ | 0.00 |
| Claims | Number Filed | Number Extra | Rate | | |
| Total | 5 - 20 | = 0 | x \$18.00 | \$ | 0.00 |
| Independent | 1 - 3 | = 0 | x \$84.00 | \$ | 0.00 |
| Multiple dependent claim(s) (if applicable) | | | | + \$280.00 | \$ 0.00 |
| TOTAL OF ABOVE CALCULATIONS | | | | = \$ | 1,000.00 |
| Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28). | | | | \$ | 0.00 |
| SUBTOTAL | | | | = \$ | 1,000.00 |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | + \$ | 0.00 |
| TOTAL NATIONAL FEE | | | | = \$ | 1,000.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property. | | | | + \$ | 0.00 |
| TOTAL FEES ENCLOSED | | | | = \$ | 1,000.00 |
| | | | | Amount to be: | |
| | | | | Refunded | \$ |
| | | | | Charged | \$ |

a. ☒ A check in the amount of \$ 1,000.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 50-1417 in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
overpayment to Deposit Account No. 50-1417. A duplicate copy of this sheet is enclosed.

Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive
(37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

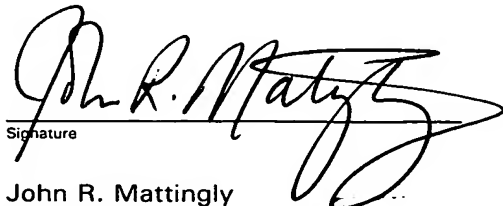
SEND ALL CORRESPONDENCE TO:

MATTINGLY, STANGER & MALUR, P.C.

1800 Diagonal Rd., Suite 370

Alexandria, Virginia 22314

(703) 684 -1120



Signature

John R. Mattingly

Name

CUSTOMER NO. 24956

30,293

Registration Number

KAS-240

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kazunori NAKAMURA, et al

Serial No.: not yet assigned

Filed: March 14, 2005

For: ENGINE CONTROL SYSTEM FOR CONSTRUCTION MACHINE

Group: not yet assigned

PROPOSED AMENDMENT TO THE DRAWINGS

March 14, 2005

Mail Stop Amendment

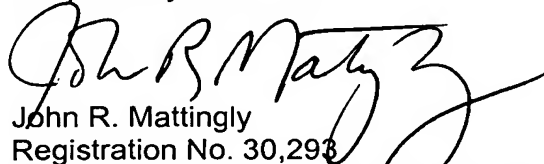
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is proposed that the drawings in the above-identified application be amended in accordance with the attached red-lined print, and approval of these drawing corrections is respectfully requested at this time.

Upon receipt of the approval of the amendment to the drawings and receipt of the official Notice of Allowance, the drawing amendments will be effected in accordance with the new procedures set forth in 1017 OG 4.

Respectfully submitted,



John R. Mattingly
Registration No. 30,293
Mattingly, Stanger, Malur & Brundidge, P.C.

JRM/na
Attachment(s)
(703) 312-6600

10/527418
DI09 Rec'd PGT/PTO 14 MAR 2005

KAS-240

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kazunori NAKAMURA, et al

Serial No.: not yet assigned

Filed: March 14, 2005

For: ENGINE CONTROL SYSTEM FOR CONSTRUCTION MACHINE

Group: not yet assigned

TRANSMITTAL OF CORRECTED FORMAL DRAWING(S)

March 14, 2005

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is (1) sheet of corrected formal drawing, showing Figure 3, in connection with the above-identified application.

Respectfully submitted,



John R. Mattingly
Registration No. 30,293
Mattingly, Stanger, Malur & Brundidge

JRM/nac
Attachments
(703) 312-6600